

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

691S0482

HOUSE ENGROSSED NO. **HB 1219** - 2/23/2011

Introduced by: Representatives Stricherz, Elliott, Jensen, Killer, Magstadt, Nelson (Stace),
Tornow, and Willadsen and Senator Lederman

1 FOR AN ACT ENTITLED, An Act to extend certain protections against precipitous eviction
2 to certain long-term tenants at will.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-8-8 be amended to read as follows:

5 43-8-8. A tenancy or other estate at will, however created, may be terminated by the
6 landlord's giving notice to the tenant in the manner prescribed by § 43-8-9 to remove from the
7 premises within a period, specified in the notice, of not less than one month. However, if the
8 tenancy at will is the residence of a tenant who is on active military service or if a person on
9 active military service is an immediate family member of the tenant, the tenant is entitled to two
10 months' notice in the manner prescribed by § 43-8-9 unless:

11 (1) The tenant has engaged in sustained conduct that is either disruptive to other
12 residents or neighbors, illegal, destructive, or negligent toward the maintenance of
13 the property, or constitutes a material breach in the implied lease conditions; or

14 (2) The landlord has sold the property or the property has passed to the landlord's estate.

15 For the purposes of this section, an immediate family member is a spouse or minor child.

